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Date November 7, 2005

To Examiner Nitin C. PATEL

Of PTO Group Art Unit 2116

Fax (571) 273-8300

From Nataliya Dvorson Reg. No.: 56,616

Subject Notice of Appeal and Pre-Appeal Brief Request For Review

Our Ref Q68496 Appln No 10/086,831

Conf No 2878 Inventors Toshio ANZAI

Pages 11 (including cover sheet)

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This fax filing includes:

1. This cover sheet {one page}
2. Notice of Appeal, in duplicate {two pages}
3. Petition for Extension of Time, in duplicate {two pages}
4. Pre-Appeal Brief Request For Review {one page}
5. Remarks section of Pre-Appeal Brief Request For Review {five pages}

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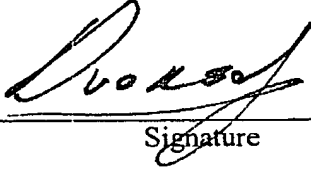
Sir:

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Respectfully submitted,

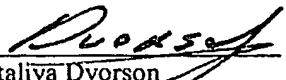
Nataliya Dvorson

Modified PTO/SB/33 (10-05)

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number	
		Q68496	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	Filed	
	10/086,831	March 04, 2002	
	First Named Inventor		
	Toshio ANZAI		
	Art Unit	Examiner	
	2116	Nitin C. PATEL	
<p>WASHINGTON OFFICE 23373 CUSTOMER NUMBER</p>			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record. Registration number <u>56,616</u></p> <p> Signature</p> <p><u>Nataliya Dvorson</u> Typed or printed name</p> <p><u>(202) 293-7060</u> Telephone number</p> <p><u>November 7, 2005</u> Date</p>			

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q68496

Toshio ANZAI

Appln. No.: 10/086,831

Group Art Unit: 2116

Confirmation No.: 2878

Examiner: Nitin C. PATEL

Filed: March 04, 2002

For: POWER SYSTEM MANAGEMENT METHOD AND POWER SYSTEM
MANAGEMENT METHOD AND POWER SYSTEM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the new Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated July 7, 2005 and Advisory Actions dated September 20, 2005 and October 3, 2005, Appellant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal. Appellant turns now to the rejections at issue:

1. *Claims 17 and 18 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,535,797 to Bowles et al. (hereinafter "Bowles").*

Independent claim 17 recites: "a change control apparatus changing settings of the equipment control apparatus." The Examiner alleges that the Intelligent Electronic Devices (IEDs) and the substations of Bowles are equivalent to the change control apparatus and the equipment control apparatus, respectively, as set forth in claim 17 (see page 3 of the Office Action and Advisory Action dated September 20, 2005). Appellant respectfully submits that IEDs 42 do not change the settings of the substations 16.

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Bowles discloses that each substation 16 may also include a plurality of controllable devices in the form of Intelligent Electronic Devices (IED) 42, which are coupled with a respective communications device 20. Each IED 42 may be configured as *e.g.*, a circuit breaker; a capacitor bank; a relay; or a switch which is controllably actuated using data transmitted to and from communications device 20 via line 44 (col. 5, lines 4 to 10). That is, the IEDs are controllable devices that are actuated and controlled by the substation 16 (col. 5, lines 39 to 54) and not vice versa. In short, the IEDs 42 of Bowles, alleged change control apparatus, do not change the settings of the substation 16, alleged equipment control apparatus.

In the Advisory Action mailed September 20, 2005, the Examiner relies on col. 3, lines 59 to 61 of Bowles, which recite: “[e]ach substation 16 is also configured to receive, process and transmit data corresponding to operating parameters associated with transmission circuit 14 and/or one or more distribution feeder 18.” This quoted passage, however, does not address the IEDs 42, nor does it disclose that the settings of the substation is changed.

Therefore, “a change control apparatus changing settings of the equipment control apparatus,” as set forth in claim 17, is not disclosed by Bowles, which lacks IEDs changing the settings of the substation 16. Moreover, claim 17 recites a web communication network, whereas the network 12 is WAN (*see* page 3 of the Final Office Action). For at least these exemplary reasons, claim 17 is patentably distinguishable from Bowles.

Claim 18 is patentable at least by virtue of its dependency. In addition, claim 18 requires “the equipment control apparatus comprises a common memory for... and an internal memory storing information being changed by the change control apparatus ...” It is respectfully noted

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that Bowles does not teach or suggest a substation 16 (alleged equipment control apparatus) having two memories (a common memory and an internal memory). This argument stands un rebutted (*see* page 4 of the Final Office Action and Advisory Action dated September 20, 2005). Bowles discloses the substation 16 only having one memory 26 (Fig. 1; col. 3, lines 62 to 65). Moreover, there is no confirmation message disclosed in Bowles. For at least these additional exemplary reasons, claim 18 is patentably distinguishable from Bowles.

2. *Claims 1-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bowles in view of U.S. Patent Application Publication No. 2002/0107615 A1 to Bjorklund (hereinafter "Bjorklund").*

By way of an overview, there is no motivation combine the references. The Examiner alleges that one of ordinary skill in the art would have been motivated to include the firewall of Bjorklund with the system of Bowles in order to "obtain electric substation for transmission and distribution of electric energy with a flexibility, drastic reduction in cabling, improved performance" (*see* page 6 of the Office Action). It is respectfully submitted that flexibility and performance of the system will not be increased with a firewall and a bridge. Moreover, the Examiner has not provided motivation to add the firewall to only one of the two communication systems, especially since according to the Examiner, the firewall is not added to the network 12 (alleged web communication system) but to the dedicated communication system.

Moreover, independent claims 1 and 7 include some variation of changing a function of an equipment control apparatus from outside of said equipment control apparatus via a secure communication and having the secure communication of a higher security than the web communication. Specifically, claim 1 recites: "changing a function of an equipment control

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apparatus from outside of said equipment control apparatus via a secure communication... wherein the secure communication is a higher security communication than the Web communication” and claim 7 recites: “the monitoring control apparatus operates via a Web communication to monitor a state of said power system from said internal information, and wherein a communication system of higher security than the Web communication for the monitoring control apparatus is provided to change, from outside of said equipment control apparatus, a function of said equipment control apparatus.”

The Examiner alleges that the equipment control apparatus and the secure communication set forth in these independent claims are anticipated by Bowles’ substation 16 and line 44, respectively, and that Bjorklund discloses higher security communication. Appellant respectfully submits that, in the combined teachings of Bowles and Bjorklund, there is no additional communication line for changing a function of the substation where the additional communication line is of higher security than the web communication used for monitoring.

Bowles discloses an electrical distribution system 10 having substations 16, where the substations 16 control Intelligent Electronic Devices (IEDs). The substations 16 communicate with the monitoring devices 36 and 38 via communication network 12 (Fig. 1; col. 5, lines 11 to 24). That is, in Bowles, the function of the substations (alleged equipment control apparatus) may be changed only via the communication network 12 (alleged Web system). The communication line 44 is only provided to control the IEDs and not to change the settings of the substations 16. The substations 16 are controlled only via the communication network 12.

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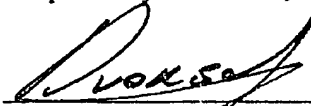
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Moreover, as acknowledged by the Examiner, Bowles fails to teach or suggest one communication system being more secure than the other communication system. Bjorklund fails to cure the deficient teachings of Bowles. Bjorklund only discloses having a LAN with a bridge and a firewall (§ 100). Bjorklund, however, fails to teach or suggest having one communication system more secure than another. Accordingly, the combined teachings of Bowles and Bjorklund lack having the substations controlled via a second communication which is more secure than another communication line.

Therefore, the combination of Bowles and Bjorklund clearly cannot render the present invention, as recited in claims 1 and 7, obvious. Thus, Appellant respectfully submits that claims 1 and 7 are allowable and further submits that claims 2-6 and 8-16 are allowable as well, at least by virtue of their dependency. Appellant respectfully requests the Pre-Appeal Review Board to reverse this § 103(a) rejection of claims 1-16.

Respectfully submitted,



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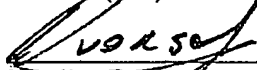
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